

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

No. 2:23-cv-00383-DAD-DB (PC)

Plaintiff,

v.

GENA JONES, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

Defendants.

(Doc. No. 31)

Plaintiff Krzysztof F. Wolinski is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 31, 2023, the court denied plaintiff's motion to proceed *in forma pauperis* and ordered plaintiff to pay the required \$402.00 filing fee in order to proceed with this action. (Doc. No. 23.) Plaintiff was warned in that order that his failure to pay the filing fee in full within thirty (30) days would result in the dismissal of this action without prejudice. (*Id.* at 3.) Nonetheless, plaintiff did not timely pay the filing fee. Plaintiff did file an appeal with the Ninth Circuit, but that appeal was dismissed on January 19, 2024 due to plaintiff's failure to prosecute. (Doc. Nos. 24, 29.) On February 21, 2024, the assigned magistrate judge issued an order directing plaintiff to pay the required filing fee within thirty (30) days if he wished to proceed with this action.

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1 Plaintiff has still not paid the required filing fee or otherwise communicated with the court in this
2 action. (Doc. No. 30.)

3 Accordingly, on April 4, 2024, the magistrate judge issued findings and recommendations
4 recommending that this action be dismissed due to plaintiff's failure to pay the filing fee and
5 failure to comply with court orders. (Doc. No. 31.) The pending findings and recommendations
6 were served on plaintiff and contained notice that any objections thereto were to be filed within
7 fourteen (14) days after service. (*Id.* at 2.) To date, no objections to the findings and
8 recommendations have been filed, and the time in which to do so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and by proper analysis.

12 Accordingly:

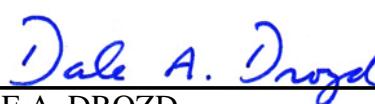
13 1. The findings and recommendations issued on April 4, 2024 (Doc. No. 31) are
14 adopted in full;

15 2. This action is dismissed due to plaintiff's failure to pay the filing fee and failure to
16 comply with court orders; and

17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: June 17, 2024


20 DALE A. DROZD
21 UNITED STATES DISTRICT JUDGE

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